

UNITED STATES DISTRICT COURT
For the District of Massachusetts

FILED
NOV 10 2004
DISTRICT OF MASS.

RUDY K. MEISELMAN,

Plaintiff,

and

FINANCIAL RESOURCES NETWORK, INC.,
FINANCIAL RESOURCES NETWORK, INC.
PROFIT SHARING PLAN; ROSALIND
HERMAN, TRUSTEE OF THE FINANCIAL
RESOURCES NETWORK, INC. PROFIT
SHARING PLAN, AND GREGG CAPLITZ,

Defendant.

C. A. No. 04-12304 WGY

AFFIDAVIT

I, Rosalind Herman, submit this Affidavit under the pains and penalties of perjury, pursuant to the instruction of the Court (Young, J.) at the hearing on November 9, 2004 in the above-referenced matter. I make this Affidavit on behalf the defendants Financial Resources Network Profit Sharing Plan, Inc. ("the Plan"), Financial Resources Network, Inc. ("The Plan Administrator"), and the Trustee of the Plan ("collectively FRN"). FRN has today instructed T.D. Waterhouse Institutional Services ("T.D. Waterhouse") to reinstate "VEO access" to plaintiff Rudy K. Meiselman's ("Meiselman") account, including creating a user name and password for Meiselman, which will be supplied to Meiselman via facsimile as soon as it is received by FRN. Mr. Meiselman will be allowed to self-direct investment of his assets in the Plan held by T.D. Waterhouse to the same extent Meiselman had prior to the restrictions imposed by the Plan on November 3, 2004, by continuing to send trades through FRN. This is the same access Meiselman had prior to November 3, 2004, since, as of March 2004, T.D.

Waterhouse has required that all trades on behalf of Meiselman to go through FRN. Such access shall be limited to trades which shall not exceed \$10,000, in the aggregate, until further direction from the Court. I further agree to take such steps, to the best of my ability, to facilitate the expeditious cooperation of T.D. Waterhouse in compliance with my instructions.

Signed under the pains and penalties of perjury, this the 10th day of November, 2004.


ROSALIND HERMAN